

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BILLY HOWARD,

Plaintiff,

v.

KERN COUNTY LERDO FACILITY  
MEDICAL CHIEF, et al.,

Defendants.

Case No. 1:21-cv-00931-JLT-CDB (PC)

**ORDER GRANTING IN PART  
PLAINTIFF'S REQUEST FOR AN  
EXTENSION OF TIME WITHIN  
WHICH TO RESPOND TO  
DISCOVERY REQUESTS**

(Doc. 46)

**ORDER MODIFYING DISCOVERY AND  
SCHEDULING ORDER**

Plaintiff Billy Howard is proceeding pro se and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The case proceeds against Defendants Ramon Mansilungan, Kendra Lawrence, and Kenya Gooden for deliberate indifference to serious medical needs in violation of the Eighth Amendment.

**I. INTRODUCTION**

The Court issued its Discovery and Scheduling Order on January 2, 2024. (Doc. 45.)

On April 22, 2024, Plaintiff filed an untitled document seeking an extension of time within which to file discovery responses. (Doc. 46.) The following day, Defendants filed a reply to Plaintiff's request. (Doc. 47.)

1           **II.     DISCUSSION**

2                   ***Plaintiff's Request for An Extension of Time***

3           Plaintiff states he received a Request for Production of Documents from Defendants  
4 requiring his response within 45 days. (Doc. 46.) Plaintiff does not indicate when he was served  
5 with Defendants' discovery request, but states he is unable to timely respond. (*Id.*) First, Plaintiff  
6 states he is "currently being transferred to the federal prison"<sup>1</sup> following sentencing proceedings  
7 of February 12, 2024. (*Id.*) Second, Plaintiff states he was required "to send all [his] legal  
8 paperwork home" because "cannot take anything with" him. (*Id.*) Third, Plaintiff states he will be  
9 transported for an undetermined amount of time until he reaches his "final destination" which  
10 "could take up to 3 months." (*Id.*) Plaintiff seeks an extension of 180 days, allowing for "getting  
11 to [his] final facility" and having access to his legal documents. (*Id.*) Lastly, Plaintiff notes he will  
12 provide a change of address once he "reach[es his] new prison." (*Id.*)

13                   ***Defendants' Reply***

14           Defendants are amenable to Plaintiff's request for a "three month extension to respond to  
15 discovery" providing the Discovery and Scheduling Order is modified to extend the remaining  
16 deadlines by three months. (Doc. 47.) Defendants state that on March 11, 2024, they served  
17 Plaintiff with Interrogatories, a Request for Admissions, and a Request for Production of  
18 Documents, making responses due on or before April 23, 2024. (*Id.* at 1-2.) Defendants state they  
19 are sympathetic to Plaintiff's circumstances. (*Id.* at 2.) Absent an extension of the remaining  
20 deadlines in the Discovery and Scheduling Order, Defendants contend they will be prejudiced by  
21 "an additional delay of three months ... by limiting and cutting out valuable time that would be  
22 needed to propound additional discovery" based on Plaintiff's responses to the March 11, 2024,  
23 discovery requests. (*Id.*) In the absence of a three-month extension of the remaining deadlines  
24 provided for in the Court's Discovery and Scheduling Order, Defendants oppose Plaintiff's  
25 request. (*Id.*)

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28       <sup>1</sup> Plaintiff was previously incarcerated at the Kern County Jail. The Kern County Sheriff's Office online inmate locator tool reveals Plaintiff is no longer being held at that facility.

1 The Court will *partially* grant Plaintiff's request for an extension of time within which to  
2 respond to Defendants' discovery requests and will modify the remaining deadlines in the  
3 Discovery and Scheduling Order.

4 The Court is aware that Plaintiff's transfer to a federal prison may be a lengthy process.  
5 Additionally, it recognizes Plaintiff's access to his legal documents may be delayed as a result.  
6 Nevertheless, it finds Plaintiff's request for an extension of 180 days to lack necessary support –  
7 the grounds advanced by Plaintiff for granting a six month extension are speculative in large  
8 measure. Because Plaintiff may be able to respond to Defendants' discovery requests within 90  
9 days, the Court finds such an extension warranted. Should either party require additional time  
10 within which to comply with this Order, the party shall file a request for a further extension of  
11 time, supported by good cause, prior to the relevant deadline.

### 12 III. CONCLUSION AND ORDER

13 Good cause appearing, **IT IS HEREBY ORDERED** that:

- 14 1. Plaintiff's request to extend the deadline for responding to Defendants' discovery  
15 requests (Doc. 46) is **GRANTED IN PART**. Plaintiff **SHALL** respond to  
16 Defendants' discovery requests **within 90 days** from the date of service of this order;
- 17 2. The Discovery and Scheduling Order is **MODIFIED** as follows:
  - 18 a. The deadline for the filing of an exhaustion motion, if any, is **extended to July**  
19 **31, 2024**;
  - 20 b. The deadline for the completion of all discovery, including the filing of any  
21 motions to compel, is **extended to December 2, 2024**; and
  - 22 c. The deadline for the filing of dispositive motions is **extended to February 10,**  
23 **2025**.

24 IT IS SO ORDERED.

25 Dated: **April 24, 2024**

26   
27 UNITED STATES MAGISTRATE JUDGE  
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